UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II

Date: November 27, 2013

Subject: **Site visit to the former "Puerto Rico Olefins (PRO) "Petrochemical Complex**

From: Carlos M. Rivera-Velazquez
Enforcement Officer, Multimedia Permits and Compliance Branch (MPCB)

To: Teresita Rodriguez
Acting Chief, Multimedia Permits and Compliance Branch (MPCB)
Deputy Director, Caribbean Environmental Protection Division (CEPD)

I. Background:

On November 19 and 21 of 2013, the United States Environmental Protection Agency (EPA), Caribbean Environmental Protection Division (CEPD), performed a site reconnaissance and sampling activities with interest in the former Puerto Rico Olefins Petrochemical Complex (the Facility) located at the Tallaboa Industrial Park, Encarnacion Ward, Pueblito Sector in the Municipality of Peñuelas, Puerto Rico. The reason for inspection was to verify compliance with the National Emission Standards for Hazardous Air Pollutants for Asbestos (ASBESTOS NESHAPS) and to investigate past complaints (See Attachment A) regarding poor asbestos removal work practices and demolition activities that could be in violation of applicable federal and state regulations pertaining to this hazardous substance.

More details of suspected violations at the Facility date back to 30 March 2011. As a result of an internal communication between the Environmental Protection Agency (EPA), Caribbean Environmental Protection Division (CEPD), and Region 2 Emergency Response Remedial Division (ERRD) in Edison, New Jersey that came from the EPA On-Scene Coordinator (OSC) Mrs. Ellen Banner in regard to an incident report that was received from the National Response Center (NRC). This incident report dealt with a citizen complaint dated 21 March 2011 (see attachment A) in which the citizen (caller) is reporting to the NRC that a removal company named "Homeca Recycling" is removing asbestos containing materials (ACM) from the former PR Olefins refinery without the proper precautions or using plastic wrapping, letting the ACM fall from a distance of about 30 feet without any protective measures. Citizen also informed that a cloud of asbestos smoke going in to the residential area. This citizen stated that this event occurred for 5 days (from 21 March 2011 to 25 March 2011, from 0630 to 1000) and all ACM were put in bags.

A copy of this General Permit was received by EPA on July 29th, 2011 (see Attachment B) after communications with Eng. Leymaris Delgado from the AQD. The effective date of this permit is September 27, 2010 and expires on September 27, 2011. After file reviews, it was discovered that the a U.S EPA Demolition and Renovation Notification form (EPA Notification) was submitted to EPA on March 2, 2010 (at least 10 days prior to commencement of activities that started on

September 28, 2010). Subsequently, more permits renewals were obtained from the the PREQB and US EPA Notifications were submitted to EPA and demolition and renovation worked continued at the Facility.

Currently, the former Puerto Rico Olefins Petrochemical Complex is used as a bulk/retail propane distribution terminal/facility (Bulk: Pro Caribe / Retail: Empire Gas) as a separate business entity that is partnered with Empire Gas. The location of this site, The Tallaboa Industrial Park, is Rd. 385 KM 5.4, Tallaboa Poniente Ward Pueblito Sector, Peñuelas, Puerto Rico.

Finally, on November 14, 2013 a revised EPA Notification was submitted to the CEPD from the owner/operator (See Attachment D). After close review of the document, it was later decided to conduct field verification and to request supporting documentation and information, like ACM sampling data and asbestos building/structure surveys to better assess the work being performed and any impacts that might have occurred to the outside Community. Later on, an Information Request Letter pursuant to Section 114 of the CAA (S114 Letter) was sent to the owner and operators on November 29, 2013. Homeca Recycling and Tallaboa Industrial Park responded to the S114 Letter on December 10th first with an electronically cover letter response and followed with a full response on the following day.

II. Regulatory Background:

40 CFR 61 Subpart M - National Emission Standard for Hazardous Air Pollutants (NESHAP). NESHAP is primarily concerned with the application, renovation, and demolition and disposal of asbestos containing material (ACM). The regulation defines ACM as being greater than 1% of the sample area as measured by polarized light microscopy. NESHAP requires notification and an asbestos survey prior to commencement of Demolition / Renovation projects. Destructive testing is required for all demolition projects.

The Asbestos NESHAP requires that buildings be thoroughly inspected for asbestos containing building material (ACBM) prior to demolition. If the inspection reveals that regulated asbestos-containing material (RACM) is present in the building, in combined quantities equal to or greater than the NESHAP threshold (160 square feet, 260 linear feet, or 35 cubic feet), abatement of the ACBM is also required prior to demolition.

If a building structure is either demolished or destroyed by natural forces, without a prior asbestos inspection, and the resulting debris is unknown as to its asbestos content. In such cases, the owner/operator must determine how the NESHAP rules apply to the resulting debris. Under these circumstances, regulatory issues such as the requirements Notification (Emergency), mandatory asbestos inspection, the NESHAP jurisdictional amount, and wetting and waste disposal requirements come into question.

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The Asbestos NESHAP requires facility owners and/or operators involved in demolition and renovation activities to control emissions of particulate asbestos to the outside air because no safe concentration of airborne asbestos has ever been established. The primary method used to control asbestos emissions is to adequately wet the Asbestos Containing Material (ACM) with a wetting agent prior to, during and after demolition/renovation activities.

"Regulated Asbestos-Containing Material" (RACM) is (a) friable asbestos material, (b) Category I non-friable ACM that has become friable, (c) Category I non-friable ACM that will be or has been subjected to sanding, grinding, cutting or abrading, or (d) Category II non-friable ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations.

The following work practices should be followed whenever demolition/renovation activities involving RACM occur:

A. Inspection requirements [40 C.F.R. § 61.145(a)]. To determine applicability with the asbestos ASBESTOS NESHAPs, the Facility must thoroughly inspect the Facility or part of the Facility were Demolition or Renovation will occur;

B. Notify EPA of intention to demolish/renovate, remove all RACM from a facility being demolished or renovated before any disruptive activity begins or before access to the material is precluded [40 C.F.R. § 61.145(b)];

C. Keep RACM adequately wet before, during, and after removal operations [40 C.F.R. § 61.145(c) and 40 C.F.R. § 61.150];

D. Conduct demolition/renovation activities in a manner which produces no visible emissions to the outside air, and [40 C.F.R. § 61.145(c)];

E. Encasement in a leak-tight wrapping that is labeled in accordance with the regulation [40 C.F.R. § 61.150];

F. Handle and dispose of all RACM in an approved manner (40 C.F.R. § 61.150).

III. Facility information:

	Former Owners:	Puerto Rico Olefins Petrochemical Co
	Actual Owners:	Empire Gas Corp
	Physical Address:	**Old Puerto Rico Olefins Plant** Rd 385 Km 5.4 Bo. Tallaboa Poniente Peñuelas, PR 00624 Phone: (939) 940-2074 Fax: (787)836-2026 POC: Mr. Roberto Aponte roberto@procaribe.com
e.	Abatement Contractor:	Homeca Recycling 1575 Muñoz Rivera Ave. Urb. Jardines de Fagot PMB 120 Ponce, PR 00717-0211 Project Manager: Mr. Benjamin Cintron benjamin.cintron@homecainc.com
d.	Site Coordinates:	Lat: 18 Deg 0' 10.71" N Long: 66 Deg 43' 23.35" W

IV. <u>Site description</u>:

The facility is located on what was known the Peñuelas/Guayanilla Petrochemical Complex which is an area very close to P.R. Rd. #2 and PR Rd. #127 intersected by Rd. #385. Historically, this Petrochemical Complex dates back to the late 1960's early 1970's and occupied around 3,500 acres of land. Because of the 1970's oil crisis, the majority of the petrochemical installations closed and or shut down their operations. Among those petrochemical facilities is the Puerto Rico Olefins. According to government sources, the Facility stopped operations in 1987 and has been abandoned ever since. Again, according to EQB permits, and citizen complaints the asbestos abatement and demolition activities date back to 2010.

As a matter of reference, as it was explained by the Facility Representative, Mr. Roberto Aponte, on November 21st, the facility is currently owned by Empire Gas. His owner is Mr. Ramon Gonzalez Simounet. Outside the perimeter of the PRO, is a mix of residential and commercial structures to the South East (SE) of its fence line. To the east (E) is the PR. #2 Highway leading to the Municipality of Ponce and to the North West (NW) are the former HERCOR and OXOCHEM Petrochemical Complex. These last 2 facilities have been closed since the late 1970's early 1980's. As mentioned earlier, to the SE there, where el Pueblito Sector which is

located, approximately 20-25 residences, 2 schools (Elementary/Primary and Junior High School), 2 churches and approximately 10 businesses are located downwind within 0.5 miles of the Facility.

V. Findings of Fact

A. Via documental evidence (see enclosed PREQB and EPA Notification Documents), citizen complaints dating back to March 2011 and October 2014 regarding to work practice violations and clouds of dust from the result of demolition activities that are being performed from theinside of the Facility. Such information led EPA representatives to conduct a field reconnaissance and site inspection(s) that confirmed that the Facility is under heavy demolition work of the Facility and dust conditions due exist as part of such activities. As observed and later explained by Homeca Recycling Representatives, the demolition work consists in mechanical cutting, and shredding of all petrochemical process units, process piping and concrete structures that belonged to the Puerto Rico Olefins Refinery that was closed during the late 1970's.

B. Also, via documental evidence that was gathered by EPA via electronic communication belonging to the demolition and asbestos abatement contractor (Homeca Recycling) and Responses to the S114 Letter on December 2013 demonstrated that large quantities of ACM that and demolition work began since the year 2010 causing regulated asbestos containing materials (RACM) to become friable. Here is a summary of abatement quantities pertaining to the PREQB Permits issued since 2010 and EPA Notification Documents submitted to CEPD that include demolition dates. They are the following:

PREQB asbestos permits:

A. Asbestos abatement Quantities: According to the PREQB General Permit (2010):

New permit application
PG-ASB 57-09-10-0125 RC:
ACM to be removed: 550 cubic yards (yds)
13,000 square feet (ft)
11,000 linear ft
ACM to be generated and disposed: 550 cubic yds
Starting: September 27, 2010
Finnish: September 27, 2011
Expiration: September 27, 2011

Note: **Part G.: No building description to explaining where ACM will be removed**

B. Asbestos abatement Quantities: According to the PREQB General Permit (2011)

Note: Operator (Homeca) applied as a new permit application

PG-ASB 57-09-11-0112 RC:

ACM to be removed: 550 cubic yds
13,000 square ft
11,000 linear ft
ACM to be generated and disposed: 550 cubic yds
Starting: September 27, 2010
Finnish: September 27, 2011
Expiration: September 30, 2012

Note: **Part G.: No building description to explaining where ACM will be removed**

C. Asbestos abatement Quantities: According to the PREQB General Permit (2012)
Note: Operator (Homeca) applied as a new permit application
PREQB General permit for the year 2012
PG-ASB 57-12-12-0175 RC:
ACM to be removed: N/A cubic yds
800 square ft
80 linear ft
ACM to be generated and disposed: 800 cubic yds
Starting: November 12, 2012
Finnish: November 12, 2014
Expiration: November 12, 2014

Note: **Part G.: No building description to explaining where ACM will be removed**

D. EPA Notification of Demolition and Renovation submittals:

Notification to EPA (March 2, 2010): 10,000 linear feet (RACM)
12,000 Cat II Non friable ACM
Demolition start: March 13, 2010
Demolition end: March 13, 2011

Asbestos removal start: March 13, 2010
Asbestos removal end: December 31, 2011

Notification to EPA (April 19, 2011): 9,000 linear feet (RACM)
8,000 Cat II Non friable ACM
Demolition start: June 1, 2011
Demolition end: May 31, 2012

Asbestos removal start: October 14, 2011
Asbestos removal end: December 31, 2011

Notification to EPA (Nov 5, 2012): 80 linear feet (RACM)
800 Cat II Non friable ACM
Demolition start: October 15, 2012
Demolition end: October 15, 2013

Asbestos removal start: December 1, 2012
Asbestos removal end: December 31, 2012

Notification to EPA (May 15, 2013): 80 linear feet (RACM)
800 Cat II Non friable ACM
Demolition start: October 15, 2012
Demolition end: October 15, 2013

Asbestos removal start: Jan 1, 2013
Asbestos removal end: October 15, 2013

Notification to EPA (Nov 14, 2013): 80 linear feet (RACM)
800 Cat I Non friable ACM
Demolition start: October 15, 2013
Demolition end: October 15, 2014

Asbestos removal start: (left in blank)
Asbestos removal end: (left in blank)

Reconnaissance (visual) inspection:

EPA personnel present (19-21 Nov): Carlos M. Rivera, CEPD-MMPCB
Angel C. Rodriguez CEPD OSC

Weston Solutions (21 Nov): Carlos Huertas, RST-2
Emilio Betancourt, RST-2

Facility Represenatives (21 Nov): Roberto Aponte, Owner Representative
Pro-Caribe/PR Olefins
Benjamin Cintron, Project Manager
Homeca Recycling
Tamara Echevarria, Operations Manager Assistant
Homeca Recycling

Event chronology:

1. On November 19, 2013 (a local Commonwealth of Puerto Rico Holiday), EPA travelled to the above mentioned Facility, located in Peñuelas, PR, to gather more information on the Demolition activities and work practices that are being conducted there. Also, to assess other demolition sites, such as Sugar Cane Refineries, that are located in the Ponce/Guayama/Salinas area, that are also subject to demolition and metal recycling activities. As a preventive measure, EPA went to

investigate that all applicable visible emission controls are in place to ensure communities are not impacted with hazardous materials, in this case, ACM that could become friable and could create emissions of fibers because of or from abatement and demolition activities from source(s) such as the PRO.

2. When the NESHAPS inspector and the EPA OSC, arrived to the Facility, we took notice that the no demolition work was taking place (see Attachment D, photo documentation) because of the local holiday (Discovery of Puerto Rico). At the time of our arrival to the Facility, both of us noticed clouds of dust that were "blowing away" from inside to the outside of the demolition site. This was mainly due because of the dry conditions that are prevalent in the area and no emission controls methods were being employed by either the demolition contractor or the owner of the Facility. Again and is important to be mentioned, the demolition and asbestos abatement site had **NO** dust/particulate control measures in place, even when it was required under PREQB and other State Agency permitting authorities permitting requirements.

3. Also seen was evidence of poor work practices being employed by the Operator (see Attachment D) by observing suspect ACM in the form of thermal system insulation (TSI) from pipes, process equipment, such as distillation towers, surge drums and other vessels, that were either in poor conditions, scattered and crumpled in the on the ground because of weathering or subjected to disturbance. It was also suspected that piles of scrap metal that might be shipped outside the Facility for metal recycling purposes might even contain RACM from "crushed" friable TSI and other suspect damaged insulation such as "Transite panels" that could contaminate or expose the surrounding population, to include workers (demolition contractor, Empire Gas). EPA inspectors concluded the reconnaissance inspection (around the site's perimeter fence) at 10:50am. No entry was done in order to save time and continue to the sugar cane refineries and continue our demolition inspection(s). This situation created a

4. Immediately after we arrived to our offices, it was then decided to raise the issue to EPA Senior Management and deliver our preliminary findings of our field reconnaissance inspection in order to take the necessary corrective measure(s), to include sampling of suspect RACM that was seen scattered at the demolition site and other areas were "cross contamination" might have occurred. Again, EPA is worried that the possibility of asbestos fibers migration could have reached beyond the property line to include scrap metal to be recycled, that is has and is being taken out of the facility to ship out to other countries or even the United States. These scrap metals could contain ACM fibers that was not properly removed or because of "cross contamination" from past and present poor work practices. It was then decided to conduct a more comprehensive NESHAPS inspection and sampling to validate our concerns.

5. To reinforce EPA concerns, historically TSI composed of ACM for process piping and other industrial chemical equipment, was widely used in the Petrochemical Industry throughout the United States. This was due to temperature stability requirements as part of a particular chemical process where it was required. This has been done routinely as part of fabrication of numerous materials during a period of over ninety years, from 1910 to the present. Use of (ACM) in

building(s) and industrial applications began to be lessened in 1976, and a major seven-year phase-out began at the end of the 1980's.

6. Finally, and as confirmation of our concerns, part of Homeca Recycling response to the S 114 Letter response, on page 7, item#5 that deals with the Asbestos Survey information request, Homeca's response was the following:

"Homeca made a background check of the facility history and based on the information obtained, all insulation and suspicious materials were assumed for extra security reasons to be ACM. Some bulk samples were collected for internal use as you can see in the attachment 8".

Facility Inspection and Sampling activities:

1. On November 21, EPA NESHAPS inspector and OSC, accompanied by his Contractors, conducted a compliance inspection and sampling activities to determine the presence of RACM and enforce the applicable provisions of 40 C.F.R. Part 61 subpart M (the "ASBESTOS NESHAPs") and the Comprehensive Environmental Response and Liability Act (CERCLA) provisions. EPA arrived at the Facility at around 10:30am and requested to speak with all facility representatives, to include representatives from the asbestos abatement/demolition contractor. An entry meeting was conducted in the Empire Gas Facility (employee cafeteria) soon after our arrival to the Facility, in which the owner representative (Mr. Roberto Aponte) and the demolition and asbestos abatement contractor, Homeca Recycling (Tamara Echevarria and Benjamin Cintron) were present. Both EPA representatives explained the purpose and scope of our inspection and sampling activities. The Owner representative fully understood the purpose and scope that was presented by both EPA Programs. Mr. Roberto Aponte, representing the Facility owner, allowed EPA to walk around the premises, conduct sampling and take pictures of the demolition work. According to both Mr. Aponte and Mr. Cintron, demolition activities at the facility started on February 2013. Asbestos abatement activities have been conducted since 2010 and they will continue as the demolition work continues. When asked about the poor conditions of the suspect ACM in old process equipment, Mr. Cintrol told EPA that "It was in worse conditions at the time of our arrival and we do what we can to work and conduct our main business". When asked, "Main business is metal recycling and asbestos abatement".
Note: The PR Olefins (PRO) Facility is a shared Facility as to which "Empire Gas", a propane gas retailer is located (to the south) and also, PRO Caribe, a "Bulk Propane Gas Terminal is co-located (to the north west). More specifically, Empire gas in within 500ft to the S of the demolition and asbestos removal site and Pro Caribe is at least 1,500 feet to the NW of the site.

2. During the perimeter walkthrough, EPA observed that piping, facility components (such as distillation columns, crude oil heaters and related smoke stacks, surge drums, tanks, etc) that could contain ACM in the form of TSI were seen scattered. They were observed of being cut by using acetylene torches or other cutting devices or methods (abrasion disks, plasma cutters, etc.) and or "dislodged or dismembered" by the use of heavy duty mechanical equipment. Moreover, TSI was observed to be scattered all over the Facility demolition site (see attachment D). Important to mention is that pieces of process piping and equipment, containing TSI, as part of

the demolition process or the mechanical dismantling, cutting or scrapping of surfaces that could contain TSI, were seen lying on the ground and could come close to nearby storm drainage (see Attachment D).
Note: the term "demolition" is defined by 40 C.F.R. § 61.141 to mean "the wrecking or taking out of any load-supporting structural member of a facility together with any related handling operations or the intentional burning of any facility, EPA believes that actual demolition and renovations of the PRO structures are taking place without properly removing or adequately wetting suspect RACM was being done. Again, suspect RACM was impacting the soil and EPA believes that these regulated materials might have possibly migrating in to storm sewers or in to navigable waters of the United States.

3. At approximately 12:15pm, the EPA NESHAPS inspector performed a site reconnaissance using level C personal protective equipment (PPE). The EPA inspector was accompanied by two (2) RST-2 personnel that gathered samples on pre selected locations. Purpose of the sampling was to show the presence asbestos in suspect materials, structures and soil. EPA photo-documented the sample locations and selected the sample locations (see Attachment D). In summary, a total of 5 bulk, 5 soil (to include a field blank) and 10 wipe samples were taken. EPA also took samples at a local business (El Velorio Restaurant), a residential house, outside perimeter of the facility (inside highway fence barrier) and at the Jorge Lucas Valdivieso Elementary School.

4. At no time, any dust abatement or emission control devices or mechanisms were seen in place that could prevent the creation of dust clouds from forming due to the dry conditions that are prevalent in the area. Before our sampling event, areas were "wetted down" as a preventive measure, but as the day went on the high temperatures that are prevalent in the Peñuelas area, made it to be dry as we concluded.

5. Suspect friable RACM was NOT adequately wet or found sealed in leak tight plastic coverings, bags or containers. The RACM was observed (see Attachment D) fully exposed while damaged in process equipment undergoing dismantling or awaiting for dismantling. Also, pieces (large, medium and small) of TSI were observed to be scattered thought our sampling areas to be completely "dry".

6. Moreover, not any pile containing demolition debris, scrap metals to be or in the process of being dismantled to be taken out of the facility, to include TSI debris and any other suspect RACM such as transite panels, were seen with the applicable warning labels as required by the Occupational Health and Safety Administration (OSHA).

The table below summarizes the sampling data and sample results:

Sample Bulk Results:

Sample #	Sample Location	Sample Date	Sample Time	Matrix	Collection	Analysis	Sample Type	Asbestos % Type	
								Amosite	Chrysotile
ACM-001-001	PS 408	11/21/2013	13:18	Insulation	Grab	Asbestos	Field Sample	35	5
ACM-001-002	PS 408	11/21/2013	13:21	Insulation	Grab	Asbestos	Field Duplicate	30	6
ACM-002-001	PS 410	11/21/2013	13:23	Insulation	Grab	Asbestos	Field Duplicate	None Detected	None Detected
ACM-003-001	Front Flare	11/21/2013	13:30	Insulation	Grab	Asbestos	Field Duplicate	40	20
ACM-004-001	OV 409	11/21/2013	13:44	Insulation	Grab	Asbestos	Field Duplicate	2	2

Sample Soil and Wipe Results:

Sample # Soil	Sample Location	Sample Date	Sample Time	Matrix	Collection	Analysis	Sample Type	Mineral Type(s)	# of Structures Detected	Asbestos Weight %
S0001-0006-001	Front Flare	11/21/2013	13:31	Soil	Grab	Asbestos	Field Sample	Amosite Chrysotile	3	0.1
S0002-0006-001	Next to shed	11/21/2013	13:37	Soil	Grab	Asbestos	Field Sample	Amosite Chrysotile	9	0.6
S0002-0006-002	Next to shed	11/21/2013	13:39	Soil	Grab	Asbestos	Field Duplicate	Amosite	3	< 0.1
S0003-0006-001	Main entrance	11/21/2013	14:01	Soil	Grab	Asbestos	Field Sample	Amosite Chrysotile	6	< 0.1

Sample # Wipes	Sample Location	Sample Date	Sample Time	Matrix	Collection	Analysis	Sample Type	Asbestos Structures	Sensitivity * (str/cm²)	Concentration (str/cm²)
W-001-001	Front Flare	11/21/2013	13:33	Wipe	Grab	Asbestos	Field Sample	21	4,850	102,000
W-002-001	PS 402	11/21/2013	13:47	Wipe	Grab	Asbestos	Field Sample	4	1,940	7,760
W-003-001	Scrap Metal Front Crane	11/21/2013	13:50	Wipe	Grab	Asbestos	Field Sample	26	9,710	252,000
W-004-001	Crane- Driver Side Front Floor	11/21/2013	13:53	Wipe	Grab	Asbestos	Field Sample	5	24,200	121,000
W-005-001	Vertical concrete	11/21/2013	13:39	Wipe	Grab	Asbestos	Field Sample	41	1,940	79,500
W-006-001	Metal fence highway	11/21/2013	14:35	Wipe	Grab	Asbestos	Field Sample	8	1,940	15,500
W-007-001	Residential House	11/21/2013	14:45	Wipe	Grab	Asbestos	Field Sample	4	4,850	19,400
W-008-001	Restaurant- El Velorio	11/21/2013	14:54	Wipe	Grab	Asbestos	Field Sample	77	4,860	374,000
W-009-001	Science classroom	11/21/2013	15:15	Wipe	Grab	Asbestos	Field Sample	16	1,940	31,000
W-Blank-001	Blank	11/21/2013	13:00	Wipe	Grab	Asbestos	Field Sample	< 2.99	Non Detected	Non Detected

Conclusion and recommendations:

After close examination of my field observations (inspections) and facts gathered through the EPA Notification of Demolition and Renovation submitted in April 19, 2011 and November 14, 2013, and sampling activities conducted in November 21, 2013 it can be concluded that:

1. The facility owner and operator violated the following 40 C.F.R. Part 61 subpart M provisions:

    a. 40 C.F.R. § 61.145(a). Facility owner and operators failed to conduct a thorough inspection of all suspect ACBM in order to determine applicability requirements of 40 C.F.R. § 61.145(b) and (c) (information obtained through a field inspection and electronic document submittal by Mrs Tamara Echevarria from Homeca Recycling on November 21, 2013, revealed that neither owner or Operator conducted or performed an asbestos containing materials survey for the former Petrochemical Complex belonging to the Tallaboa Industrial Park, LLC;

    b. 40 C.F.R. § 61.145(b). Facility owner/operators violated the notification requirements when the commenced asbestos abatement activities before the required 10 Working Days. The US EPA Notification of Demolition and Renovation was received by the US EPA on April 19, 2011 and November 14, 2013 and asbestos work was performed on September 27, 2010. It was estimated by EPA that more than 550 cubic yards of RACM containing Amosite and Chrysotile asbestos in excess of 1% was generated and disposed of;

    c. 40 C.F.R. § 61.145(b). Facility failed to properly describe the information required in Section Ten (X) of the US EPA Notification of Demolition and Renovation document. This description needs to mention the planned renovation work and the methods to be employed and or techniques for the renovation work;

    d. 40 C.F.R. § 61.145 (b). Facility failed to properly describe or follow the information required in Section Eleven (XI) of the US EPA Notification of Demolition and Renovation document. This description need to mention the work practices and engineering controls that will be used to comply with the requirements all Asbestos NESHAPS requirements;

    e. 40 C.F.R. § 61.145(b). Facility failed to follow Section Sixteen (XVI) of the US EPA Notification of Demolition and Renovation document. This part specifically addresses and asks the Facility owner or operator to provide a description of procedures to be followed in the event of RACM is found to be crumbled, pulverized or reduced to powder;

f. 40 C.F.R. § 61.145(c). Facility failed to comply with asbestos emission control techniques. Workers failed to maintain the RACM adequately wet during dislodging, dismantling, sanding, abrading and stripping of RACM found in TSI and other surfacing materials, found in the PRO petrochemical process units and related structures that were and are subject to demolition since September 2010;

h. 40 C.F.R. § 61.145(c). Facility failed to comply with asbestos emission control techniques when **NO** emission control device was used to capture any RACM fibers or dust from the operations described in paragraph vii above.

i. 40 C.F.R. § 61.150. Facility failed to comply with asbestos emission control techniques when **RACM found at the demolition site were not placed in a leak-tight wrapping and labeled in accordance to this regulation.**

j. It is recommended that Administrative Compliance order under Section 113 of the CAA be issued against the Facility owner and operators for the above cited violations;

k. It is also recommended that Administrative Penalty order under Section 113(d) of the CAA be issued against the Facility owner and operators for the above cited violations;

e. EPA should work closely with the PRO owner and operator(s) in order to address possible or un-necessary contamination of the outside air. Also, exposure to employees and citizens needs to be controlled as soon as possible;

Attachments A, B, C, D: